



भारत का राजपत्र The Gazette of India

Ch.
8/6/91

असाधारण
EXTRAORDINARY

भाग II—खण्ड 2
PART II—Section 2

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 38] नई दिल्ली, बृहस्पतिवार, अगस्त 23, 1990 चाद्र 1, 1912
No. 38] NEW DELHI, THURSDAY, AUGUST 23, 1990/BHADRA 1, 1912

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on the 23rd August, 1990:—

BILL NO. 140 OF 1990

A Bill further to amend the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988.

Be it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Amendment) Act, 1990.

Short
title and
com-
mence-
ment.

(2) It shall be deemed to have come into force on the 30th day of July, 1990.

2. In the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 (hereinafter referred to as the principal Act) in section 10, in sub-section (1), for the figures, letters and words "31st day of July, 1990", the figures, letters and words "31st day of July, 1993" shall be substituted.

Amend-
ment of
section 10
of Act
46 of 1988.

3. (1) The Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Amendment) Ordinance, 1990, is hereby repealed.

Repeal
and
saving.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

Ord. 4 of
1990.

STATEMENT OF OBJECTS AND REASONS

The Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 provides for the preventive detention of persons in certain cases for the purpose of preventing them from engaging in the illicit traffic in narcotic drugs and psychotropic substances.

2. Sub-section (1) of section 10 of the Act provides that any person in respect of whom an order of detention is made any time before the 31st day of July, 1990, may be detained without obtaining the opinion of an Advisory Board for a longer period than three months but not exceeding six months from the date of his detention. However, a comparative analysis of the figures in regard to seizures of narcotic drugs and psychotropic substances effected in the highly vulnerable areas during the last two years shows that the menace of illicit traffic in narcotic drugs and psychotropic substances has not abated in any way in the said areas. Since the maximum damage to the society is caused by the drug traffickers operating in the highly vulnerable areas, the longer period of detention from one year to two years under section 11 of the Act, of the traffickers, their associates and the links, is a necessary deterrent. It was, therefore, considered necessary to continue the provisions of section 10 in respect of detention orders which may be passed even after 31-7-1990.

3. Accordingly, the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Amendment) Ordinance, 1990 (Ord. 4 of 1990) was promulgated by the President on the 30th July, 1990 to continue the provisions of section 10 of the Act for a period of three years beyond 31st July, 1990.

4. This Bill seeks to replace the aforesaid Ordinance.

NEW DELHI;

MADHU DANDAVATE.

The 9th August, 1990.

BILL No. 141 OF 1990

A Bill further to amend the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974.

BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Act, 1990.

Short
title and
com-
mence-
ment.

(2) It shall be deemed to have come into force on the 30th day of July, 1990.

2. In the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (hereinafter referred to as the principal Act), in section 9, in sub-section (1), for the figures, letters and words "31st day of July, 1990", the figures, letters and words "31st day of July, 1993" shall be substituted.

Amend-
ment of
section 9
of Act
52 of
1947.

3. (1) The Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Ordinance, 1990, is hereby repealed.

Repeal
and sav-
ing.

Ord. 5 of
1990.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 provides for preventive detention of persons in certain cases for the purposes of conservation and augmentation of foreign exchange and for prevention of smuggling activities.

2. Sub-section (1) of section 9 of the Act provides that any person in respect of whom an order of detention is made any time before the 31st day of July, 1990, may be detained without obtaining the opinion of an Advisory Board for a longer period than three months but not exceeding six months from the date of his detention. However, a comparative analysis of the figures in regard to seizures of contraband goods effected in the highly vulnerable areas during the last two years shows that the menace of smuggling has not abated in any way in the said areas. Since the maximum damage to the society is caused by the smugglers operating in the highly vulnerable areas, the longer period of detention from one to two years under section 10 of the Act, of the smugglers, their associates and the links, is a necessary deterrent. It was, therefore, considered necessary to continue the provisions of section 9 in respect of detention orders which may be passed even after 31-7-1990.

3. Accordingly, the Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Ordinance, 1990 (5 of 1990) was promulgated by the President on the 30th July, 1990 to continue the provisions of section 9 of the Act for a period of three years beyond 31st July, 1990.

4. This Bill seeks to replace the aforesaid Ordinance.

NEW DELHI;

MADHU DANDAVATE.

The 9th August, 1990.

BILL No. 142 of 1990

A Bill further to amend the Salary and Allowances of Leaders of Opposition in Parliament Act, 1977.

BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Salary and Allowances of Leaders of Opposition in Parliament (Amendment) Act, 1990.

Short
title and
com-
mence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

33 of 1977. 2. In section 8 of the Salary and Allowances of Leaders of Opposition in Parliament Act, 1977 (hereinafter referred to as the principal Act), in sub-section (2),—

Amend-
ment of
sections 8.

(a) for the words “three hundred rupees”, the words “three thousand rupees” shall be substituted;

(b) the following proviso shall be inserted at the end, namely:—

“Provided that where a Leader of the Opposition is provided with conveyance facility for the purposes of his security for any period, he shall not be entitled to the conveyance allowance for that period.”.

Insertion
of new
section
8A.

3. After section 8 of the principal Act, the following section shall be inserted, namely:—

Advance
to Leader
of Opposi-
tion for
purchase
of motor
car.

“8A. There may be paid to a Leader of the Opposition by way of a repayable advance such sum of money as may be prescribed by rules made in this behalf by the Central Government for the purchase of a motor car in order that he may be able to discharge conveniently and efficiently the duties of his office.”.

Amend-
ment of
section
10.

4. In section 10 of the principal Act, in sub-section (2), after clause (d), the following clause shall be inserted, namely:—

“(e) the advance payable to a Leader of the Opposition under section 8A.”.

STATEMENT OF OBJECTS AND REASONS

Since the Leaders of Opposition in Parliament have been given the status of a Cabinet Minister, it is proposed to enhance the amount of conveyance allowance admissible to them as the existing provision in this regard is felt to be inadequate. It is also proposed to provide them with the facility of motor car advance as admissible to the Ministers.

2. The Bill seeks to achieve the above object.

NEW DELHI;
The 9th August, 1990.

P. UPENDRA.

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to amend section 8 of the Salary and Allowances of Leaders of Opposition in Parliament Act, 1977 to enhance the amount of conveyance allowance admissible to the Leaders of Opposition from rupees three hundred per mensem to rupees three thousand per mensem. This would involve a recurring expenditure of Rs. 64,800 per annum from the Consolidated Fund of India.

2. The provisions of the Bill will not involve any other expenditure—either recurring or non-recurring.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the Central Government to make rules in regard to the advance payable to a Leader of the Opposition under new section 8A for purchase of a motor car.

The matters in respect of which rules may be framed are matters of procedure and detail. The delegation of legislative power is, therefore, of a normal character.

BILL No. 143 OF 1990

A Bill to amend the Tea Companies (Acquisition and Transfer of Sick Tea Units) Act, 1985.

BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

1. This Act may be called the Tea Companies (Acquisition and Transfer of Sick Tea Units) Amendment Act, 1990.

Short
title.

2. Section 16 of the Tea Companies (Acquisition and Transfer of Sick Tea Units) Act, 1985 shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

Amend-
ment of
section
16 of
Act 37 of
1985.

“(2) Notwithstanding anything contained in sub-section (1), all the claims preferred before the Commissioner after the period or the further period specified in that sub-section but on or before the 27th day of July, 1989, shall be deemed to have been validly preferred.”.

STATEMENT OF OBJECTS AND REASONS

Four sick tea units, namely, Pashok, Looksan, Veh-Tukvar and Potong were nationalised under the Tea Companies (Acquisition and Transfer of Sick Tea Units) Act, 1985. Under section 13 of the said Act, the Central Government appointed a Commissioner of Payments for the purpose of disbursing the amounts payable under sections 6 and 7 to the sick tea companies. In pursuance of section 16 of the Act, the Central Government notified 28th day of April, 1989 as the specified date *vide* notification No. S.O. 268(E), dated the 6th April, 1989. Thus, the Commissioner was competent under the Act to receive the claims maximum up to 27th June, 1989.

2. The claims received within the period specified under section 16 of the Act are being processed by the Commissioner. However, due to prolonged disturbances in the area and disruption in the normal working of the sick tea units and large scale absenteeism of the staff, the claims of 3285 employees and ex-employees of the nationalised sick tea units were received through ITCI (a public sector undertaking) after 27th June, 1989. The claims were received in three lots on 28-6-1989, 29-6-1989 and 27-7-1989 and a total sum of Rs. 1,28,33,622 is involved in these claims.

3. Since the claims relate to a large number of employees of the nationalised sick tea units and are Category I claims, it may be harsh to reject such claims outright. It has, therefore, been decided to consider the claims of such employees and accordingly amend the principal Act suitably.

4. The Bill seeks to achieve the above object.

NEW DELHI;
The 13th August, 1990.

A. SHREEDHARAN.

K. C. RASTOGI,
Additional Secretary.